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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,208	12/31/2003	Kitahiro Kaneda	03500.013552.1	6674

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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SINGH, RACHNA

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,208	<b>Applicant(s)</b> KANEDA ET AL.	
	<b>Examiner</b> Rachna Singh	<b>Art Unit</b> 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-27, 29-34, 36-41 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-27, 29-34, 36-41, and 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: Amendments & Remarks filed on 12/28/06.
2. Claims 25-27, 29-34, 36-41, and 43-45 are pending in the case. Claims 25, 32, and 39 are independent claims. Claims 25, 31, 32, 38, 39, and 45 have been amended.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 25-27, 29-34, 36-41, and 43-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant amended independent claims 25, 32, and 39 to recite "one of a plurality of buttons. . .including a button for auto discrimination and four buttons for manual instruction of the document orientation." Applicant's specification discloses an "input

instruction window”; however, “button” does not appear to be taught. Thus in light of Applicant’s specification, the term “button” as it is used in the claim will be interpreted as an instruction input within a window. Furthermore, it is noted Applicant’s specification does not disclose four buttons for manual manipulation.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25, 31-32, 38-39 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulead Systems, Inc., "PhotoImpact Version 3.0", Copyright 1992-1995 (English Edition January 1996), Pages 90-92 and 155-156.

Regarding claim 25, PhotoImpact teaches an image processing method for processing an input document image which meets the preamble, ***“an image processing method for processing an input document image”***. See pages 90-92 and 155-156.

PhotoImpact teaches providing a user with the option of automatically enhancing an image by rotation or distortion using the AutoProcess Straighten command or manually enhancing an image by rotation or distortion using a transform tool which meets the limitation, ***displaying an instruction window to receive both a first instruction and second instruction from a user, wherein the first instruction indicates whether the orientation of the document image should be corrected automatically or manually, and wherein the second instruction indicates whether or not a tilt of the document image should be automatically corrected.*** See pages 90-92 and 155-156.

PhotoImpact teaches giving a user an option for automatically enhancing an image by rotation or distortion using an "AutoProcess Straighten" command or manually enhancing the image by rotation and distortion using a transform tool. See pages 90-92 and 155-156 of PhotoImpact. Page 91 shows an "Auto-Process" button on a standard toolbar where a user can select this option to automatically enhance the image which meets the amended limitation, ***by selecting one of a plurality of buttons which include a button for auto discrimination of the document orientation.*** PhotoImpact also teaches giving the user the option to use a Transform tool from the standard toolbar which allows a user to manually perform a transformation which meets the limitation, ***selecting one of a plurality of buttons which include manual instruction of the document orientation on the instruction input window***". Furthermore, PhotoImpact discloses that each of the possible transformation options appears as a

button on the attribute toolbar which meets the limitation ***four buttons for manual instruction*** as every possible transformation has a button.

PhotoImpact teaches taking an image and transforming the orientation of the image using the Edit: Rotate & Flip submenu. See pages 155-156. The images can be rotated by 90 degrees, 180 degrees, or 270 degrees using a Transform tool or can be rotated by 90 degrees, 180 degrees, or 270 degrees using the AutoProcess Straighten command which meets the limitation, ***determining, based on the first instruction received in the instruction input window, whether the user has instructed that the orientation of the document image should be corrected automatically or manually.*** Based on one of either the Transform tool or AutoProcess Straighten command, the image is rotated either 90 degrees, 180 degrees, or 270 degrees which meets the limitation, ***automatically discriminating the orientation of the document image as one of 0, 90, 180, and 270 degrees if it is determined in said determining step that the user has instructed, by selecting the button for auto discrimination, that the orientation of the document image should be automatically corrected and automatically rotating the document image based on the discriminated orientation of the document image if it is determined in said determining step that the user has instructed that the orientation of the document image should be automatically corrected; and rotating the document image according to a rotation angle of one of 0, 90, 180, and 270 degrees corresponding to the button selected by the user if it is determined in said determining step that the user has***

***instructed, by selecting one of the four buttons for manual instruction that the orientation of the document image should be manually corrected.***

The image can also be rotated or distorted by an angle other than 90 degrees, 180 degrees, or 270 degrees. See pages 90-92 and 155-156. PhotoImpact teaches providing a user with the option of automatically enhancing an image by rotation or distortion using the AutoProcess Straighten command or manually enhancing an image by rotation or distortion using a transform tool which meets the limitation ***if it is determined based on the second instruction that the tilt of the document image should be automatically corrected, automatically correcting the tilt of the document image which is rotated in said automatic rotating step or in said rotating step, wherein said automatic correction step does not execute automatic correction of the tilt of the document image which is rotated in said automatic rotating step or in said rotating step if it is determined based on the second instruction that the tilt of the document image should not be automatically corrected.*** See pages 90-92 and 155-156.

Claims 32 and 39 are rejected under the same rationale as claim 25 above.

In reference to claim 30, PhotoImpact teaches automatically straightening the orientation and tilt of an image if the user chooses the AutoProcess option. The AutoProcess Straighten command will either tilt or rotate the image to correctly display the image. See pages 90-92 and 155-156.

Claims 37 and 44 are rejected under the same rationale as claim 30 above.

In reference to claim 31, PhotoImpact the image can also be straightened by an angle other than 90 degrees, 180 degrees, or 270 degrees. See pages 90-92 and 155-156.

Claims 38 and 45 are rejected under the same rationale as claim 31 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26-27, 29-30, 33-34, 36-37, 40-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulead Systems, Inc., "PhotoImpact Version 3.0", Copyright 1992-1995 (English Edition January 1996), Pages 90-92 and 155-156, as applied to claims 25, 32, and 39 above, and further in view of Onda, US 5,077,811, 12/31/91.



In reference to claim 26, PhotoImpact does not teach an automatic discrimination step includes outputting data indicating the orientation cannot be discriminated; however, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the automatic discrimination step outputting data indicating the orientation cannot be discriminated of Onda within the system of PhotoImpact because it indicates to the user whether or not the orientation of the image is correct in order to determine whether the image should be rotated in order to correctly display the document image. See column 1 and column 2, lines 3-52.

In reference to claim 29, PhotoImpact does not teach storing the outputted data as information relating to the document image when the orientation cannot be discriminated; however, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17. It would have been obvious to a person of ordinary skill in the art at the time of the invention to store the outputted data as information relating to the document image when the orientation cannot be discriminated as taught by Onda in the system of PhotoImpact because it indicates to the user whether or not the orientation of the image is correct in order to determine

whether the image should be rotated in order to correctly display the document image.  
See column 1 and column 2, lines 3-52.

In reference to claim 27, PhotoImpact does not teach the automatic discrimination step includes discriminating the orientation by character recognizing character images. However, Onda teaches the system includes a data processing means including a character image discriminating means for discriminating a character image from a picture image orientation detecting means for detecting orientation of the character image to determine whether the orientation of the character image is in a correct orientation and an image rotation means for processing the image signals to rotate the image so that the image is correctly oriented. See column 2, lines 14-31. It would have been obvious to a person of ordinary skill in the art at the time of the invention discriminate the orientation using character image discrimination as taught by Onda in the system of PhotoImpact because it indicates to the user whether or not the orientation of the image is correct in order to determine whether the image should be rotated in order to correctly display the document image. See column 1 and column 2, lines 3-52.

Claims 33-34 and 36 are rejected under the same rationale used in claims 26-27 and 29 respectively above.

Claims 40-41 and 43 are rejected under the same rationale used in claims 26-27 and 29 respectively above.

### ***Response to Arguments***

7. Applicant's arguments and amendments filed 06/22/06 have been fully considered.

Applicant argues on pages 11-12 of the Remarks, PhotoImpact does not teach "displaying an instruction input window to receive a first and second instruction from a user, wherein the first instruction indicates, by selecting one of a plurality of buttons which include a button for auto discrimination of the document orientation and four buttons for manual instruction of the document orientation on the instruction input window, whether the orientation of the document image should be corrected automatically or manually, and wherein the second instruction indicates whether or not a tilt of the document image should be automatically corrected". Examiner disagrees.

First, PhotoImpact teaches giving a user an option for automatically enhancing an image by rotation or distortion using an "AutoProcess Straighten" command or manually enhancing the image by rotation and distortion using a transform tool. See pages 90-92 and 155-156 of PhotoImpact. Page 91 shows an "Auto-Process" button on a standard toolbar where a user can select this option to automatically enhance the image which meets the amended limitation, ***by selecting one of a plurality of buttons***

***which include a button for auto discrimination of the document orientation.***

PhotoImpact also teaches giving the user the option to use a Transform tool from the standard toolbar which allows a user to manually perform a transformation which meets the limitation, ***selecting one of a plurality of buttons which include manual instruction of the document orientation on the instruction input window***”.

Furthermore, PhotoImpact discloses that each of the possible transformation options appears as a button on the attribute toolbar which meets the limitation ***four buttons for manual instruction*** as every possible transformation has a button.

In view of the comments above, the rejection is maintained.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS  
03/15/07

  
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